

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 20 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JIN SHI HUANG,

Defendant - Appellant.

No. 05-10066

D.C. No. CR-04-00029-ARM
District of the Northern Mariana
Islands

FILED
Clerk
District Court

ORDER

JAN 20 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Before: Peter L. Shaw, Appellate Commissioner

Appellant's opening brief was due April 15, 2005. On September 29, 2005, the court ordered appellant's appointed counsel, Perry B. Inos, Esq., to file the brief within 14 days and to file a motion for relief from default. Counsel did not comply. On November 28, 2005, the court ordered counsel Inos, within 14 days, to file the opening brief, excerpts of record, and a motion for relief from default. Alternatively, the court ordered counsel to file a motion under Ninth Circuit Rule 4-1(c) within 14 days to be relieved as counsel and for appointment of new counsel, if counsel was unable to prosecute this appeal. The court warned that failure to respond timely to the order might result in the imposition of sanctions on counsel, a determination deeming counsel ineligible to receive appellate

05-10066

appointments under the Criminal Justice Act, and no compensation to counsel under the Criminal Justice Act for this representation. To date, the court has not received a response from counsel Inos.

The court, on its own motion, relieves Perry B. Inos, Esq., P.O. Box 502017, Saipan, MP 96950, (670) 235-9006, as appellant's counsel of record. No compensation shall be awarded to counsel Inos under the Criminal Justice Act for this representation. New counsel will be appointed by separate order.

The Clerk shall serve a copy of this order by facsimile transmission and mail on Judge Alex R. Munson, U.S. District Court for the District of the Northern Mariana Islands, P.O. Box 500687, Saipan, MP 96950, (FAX: (670) 236-2911), who is requested to locate appointed counsel. The district court shall provide the Clerk of this court with the name and address of appointed counsel by facsimile transmission (FAX: (415) 556-6228) within 14 days of locating counsel.

New counsel shall designate the reporter's transcript by March 1, 2006. The transcript is due March 31, 2006. Appellant's opening brief and excerpts of record are due May 10, 2006; appellee's answering brief is due June 9, 2006; and the optional reply brief is due within 14 days after service of the answering brief.

05-10066

Within 14 days after the date of this order, Perry B. Inos, Esq., shall show cause in writing why this court should not impose on counsel Inos monetary sanctions not less than \$1,000.00 and deem counsel Inos ineligible to receive appellate appointments under the Criminal Justice Act. Failure to file a timely response or to provide an adequate explanation may result in the imposition of sanctions without further notice.

The Clerk shall serve this order on former counsel Inos by certified mail (return receipt requested).


General Order 6.3(e)